

DEPARTMENT OF THE ARMY
Wilmington District, Corps of Engineers
Raleigh Regulatory Field Office
6508 Falls of Neuse Road, Suite 120
Raleigh, North Carolina 27615-6814
(Web page - <http://www.saw.usace.army.mil/wetlands/index.html>)

Action ID. 200220745

November 17, 2004

PUBLIC NOTICE

The North Carolina Department Of Transportation, Division Of Highways, 1548 Mail Service Center, Raleigh, North Carolina 27699-1548, has applied for a DEPARTMENT OF THE ARMY (DA) PERMIT pursuant to SECTION 404 OF THE CLEAN WATER ACT to authorize the proposed discharge of dredged and fill material impacting 9,847 linear feet of STREAM, 22.20 acres of WETLANDS, and 1.21 acres of PONDS, for construction of the US 70 CLAYTON BYPASS (T.I.P. No. R-2552), crossing WHITE OAK CREEK, LITTLE CREEK, COOPER BRANCH, REEDY BRANCH and unnamed tributaries to SWIFT CREEK, from I-40 in WAKE COUNTY to US 70 Business, in JOHNSTON COUNTY, North Carolina..

The following description of the work is taken from data provided by the applicant. Plans submitted with the application show the placement of fill material impacting a total of 9,847 linear feet of stream, 22.17 acres of wetlands, and 1.21 acres of ponds, in the Neuse River basin. These impacts are necessary for the construction of the US 70 Clayton Bypass (T.I.P. No. R-2552). The proposed highway widening will extend approximately 9.5 miles, from I-40 in Wake County to US 70 Business, in Johnston County. NCDOT will construct new interchanges at I-40, NC 42, and SR 1560 (Ranch Road), and a redesigned interchange at US 70 Business. NCDOT will realign SR 1560 (Ranch Road) and SR 1913 (Gordon Road). The proposed roadway will be a four-lane , divided highway, with grass shoulders and ditches, and a 70-foot wide grassed median. NCDOT's design of the interchange at I-40 allows for future construction of ramps to accommodate the future proposed I-540 Eastern Wake Expressway.

The project will involve fill impacts to 9,847 linear feet of stream channel at 44 locations, and 1.21 acres of ponds, at three locations. NCDOT proposes to relocate 410 linear feet of channel, using natural stream channel design, to include planting stream banks with trees and shrubs. The proposed construction will also impact a total of 22.20 acres of vegetated wetlands by permanent filling and excavation, temporary filling (0.03 acres), and mechanized clearing. The impacted wetlands consist of palustrine, and riverine, scrub-shrub, forested and marsh areas.

NCDOT is proposing to use the 410 linear feet of onsite natural stream relocation, and the North Carolina Ecosystem Enhancement Program, to provide the necessary compensatory mitigation for the unavoidable wetland and stream impacts associated with this project.

The purposes of the work are to serve growing transportation needs, to better separate regional and local traffic, and to improve access between local communities and employment centers in Raleigh, and the Research Triangle Park, for this portion of the US 70 corridor. The applicant has considered several alternatives to the proposed project, including other new location construction corridors. In addition, the applicant has committed to measures to avoid and minimize wetland and stream impacts, including major re-design of proposed interchanges and roadway alignments, using bridges rather than culverts for stream and wetland crossings, increasing bridge lengths, providing culverts for lateral flow through a causeway in a wetland, relocation of a proposed service road, and several other measures.

Overall plans showing the location of the proposed construction and impact sites are included with this public notice. Additional detailed plans, NCDOT's November 2004 Addendum to the Biological Assessment for TIP R-2552, and information about the North Carolina Ecosystem Enhancement Program, may be reviewed at the U.S. Army Corps of Engineers Regulatory Field Office at 6508 Falls of Neuse Road, Suite 120, Raleigh, North Carolina 27615-6846, or at the offices of the North Carolina Division of Water Quality at the address shown below.

The State of North Carolina will review this public notice to determine the need for the applicant to obtain any required State authorization. No Department of the Army permit will be issued until the coordinated State viewpoint on the proposal has been received and reviewed by this agency, nor will a Department of the Army permit be issued until the North Carolina Division of Water Quality has determined the applicability of a Water Quality Certificate as required by PL 92-500.

This application is being considered pursuant to Section 404(b) of the Clean Water Act (33 U.S.C. 1344). Any person may request, in writing within the comment period specified in the notice, that a public hearing be held to consider this application. Requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

The District Engineer has consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and the project does not impact any registered property or property listed as being eligible for inclusion in the Register. Consultation of the National Register constitutes the extent of cultural resource investigations by the District Engineer. NCDOT has conducted surveys for architectural and archaeological resources, and has coordinated with the North Carolina State Historic Preservation Officer (SHPO). SHPO has concurred that the project will not have any effect on archaeological resource properties eligible for inclusion in the Register. NCDOT and SHPO have concluded that there are only two architectural properties within the project's area of potential effect that are eligible for the Register, the Battle-Horne-Benson house and the Ransom Penny Farm. SHPO has concurred that the project will not have any effect on these architectural properties. The District Engineer is otherwise unaware of the presence of historic or archaeological resources. Presently, unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by work under the requested permit.

The District Engineer is not aware, based on available information, that the activity will affect species, or their critical habitat, designated as endangered or threatened pursuant to the Endangered Species Act of 1973, other than the Dwarf wedge mussel (*Alasmidonta heterodon*) and the Tar spiny mussel (*Elliptio steinstansana*). The Federal Highway Administration has submitted a Biological Assessment (BA) for TIP R-2552, and a recent addendum to the BA, to the US Fish and Wildlife Service, for review and preparation of a Biological Opinion. The BA addendum concludes that the project may affect, but is not likely to adversely affect, the Dwarf wedge mussel and the Tar spiny mussel, provided that NCDOT implement several conservation measures to protect water quality.

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts which the proposed activity may have on the public interest requires a careful weighing of all those factors which become relevant in each particular case. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors which may be relevant to the proposal must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the placement of dredged or fill materials in waters of the United States, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria, a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Generally, the decision whether to issue this DA permit will not be made until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act. The NCDWQ considers whether or not

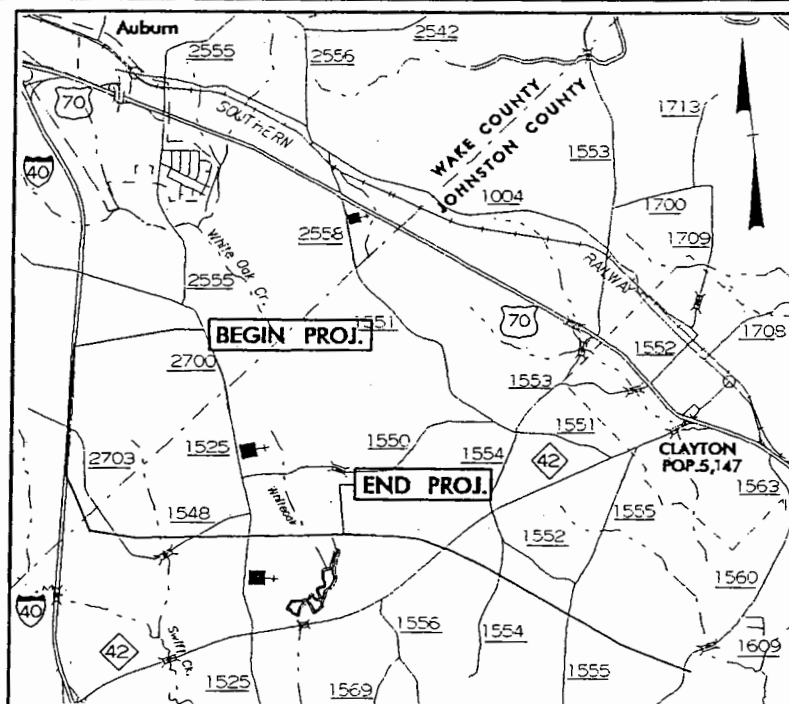
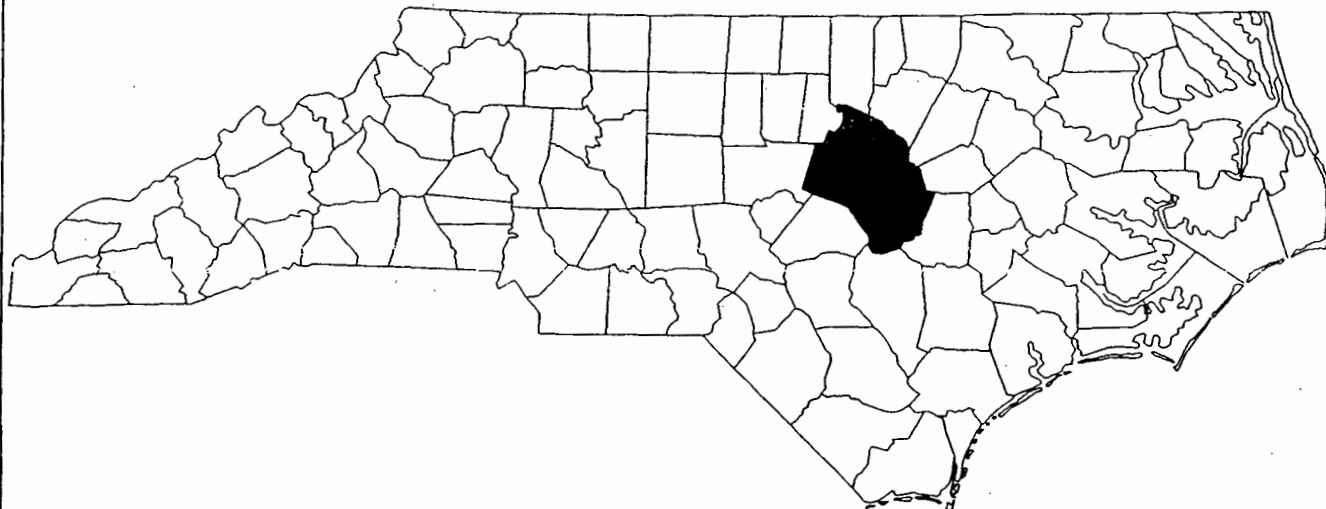
the proposed activity will comply with Sections 301, 302, 306, and 307 of the Clean Water Act. The application and this public notice for the DA permit serves as application to the NCDWQ for certification.

Additional information regarding the Clean Water Act certification may be reviewed at the offices of the Wetlands /401 Unit, North Carolina DENR, Division of Water Quality, 2321 Crabtree Boulevard, Raleigh, North Carolina. Copies of such materials will be furnished to any person requesting copies upon payment of reproduction costs.

All persons desiring to make comments regarding the application for Clean Water Act certification should do so in writing delivered to the North Carolina Department of Environment and Natural Resources, Division of Water Quality, 1650 Mail Service Center, Raleigh, NC 27699-1650, on or before December 10, 2004, Attention: Mr. John Dorney.

Written comments pertinent to the proposed work, as outlined above, will be received in this office, Attention: Eric Alsmeyer, until 4:15 p.m., December 17, 2004, or telephone 919-876-8441, extension 23.

NORTH CAROLINA



VICINITY MAP

NCDOT
DIVISION OF HIGHWAYS
JOHNSTON COUNTY
PROJECT: WBS 34459.1.1 (R-2552AA)
US 70 CLAYTON BYPASS

SHEET 1 OF 10

10/01/04

WETLAND PERMIT IMPACT SUMMARY											
			WETLAND IMPACTS			SURFACE WATER IMPACTS					
Site No.	Station (From/To)	Structure Size / Type	Fill In Wetlands Permanent (ac)	Fill In Wetlands Temporary (ac)	Excavation In Wetlands (ac)	Mechanized Clearing (Method III) (ac)	Fill In SW (Natural) Permanent (ac)	Fill In SW (Natural) Temporary (ac)	Existing Channel Impacted Permanent (ft)	Existing Channel Impacted Temporary (ft)	Natural Stream Design (ft)
AA10b	FLYLEREV 24+45	BRIDGE				*			10	10	
AA11a	FLYLWREV 18+50	N/A	2.26			0.07	0.05		437		
AA11b	FLYLEREV 18+00	1500 RCP		SEE SITE AA11a FOR DATA			0.04		417	30	
AA11c	FLYLEREV 18+40 LT	450 RCP		SEE SITE AA11a FOR DATA			0.04		407		
AA12	RPD 13+90	900 RCP	0.01								
AA14	LREV 14+50	BRIDGE	0.15			*					
AA15a	L 21+10	1050 RCP					0.01		85	10	
AA15b	Y2B 12+70	1050 RCP					0.01		98	20	
AA16	L 23+00	750 RCP	0.04			0.02	0.79		10	10	
AA17	L 25+20	N/A					0.06		240		
AA18a	L 25+80	1200 RCP					0.10		355	10	
AA18b	Y2B 16+00	1350 RCP					0.03		167	20	
SHEET TOTALS:			2.46			0.09	1.13		2226	110	
PROJECT TOTALS			2.63			0.20	1.29		3050	203	

* DENOTES HAND CLEARING IN WETLANDS
 SITE
 AA10b - 0.12 ac
 AA14 - 1.47 ac

SITES INCLUDE SW FILL (POND)

AA16 .78 ac
 AA18A .37 ac

NC DEPARTMENT OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 WAKE / JOHNSTON COUNTY
 PROJECT # - WBS 34459.1.1 (R2552AA)
 US 70 - CLAYTON BYPASS

SHEET 2 OF 10

10/15/04

WETLAND PERMIT IMPACT SUMMARY

Site No.	Station (From/To)	Structure Size / Type	WETLAND IMPACTS				SURFACE WATER IMPACTS				
			Fill In Wetlands Permanent (ac)	Fill In Wetlands Temporary (ac)	Excavation In Wetlands (ac)	Mechanized Clearing (Method III) (ac)	Fill In SW (Natural) Permanent (ac)	Fill In SW (Natural) Temporary (ac)	Existing Channel Impacted Permanent (ft)	Existing Channel Impacted Temporary (ft)	Natural Stream Design (ft)
AA1b	I1Y1 10+90 RT	600 RCP				0.01				10	
AA2b	I1Y1 12+10 RT	450 RCP	0.01			0.01					
AA3a	I1Y1 13+70 LT	1650 CSP					0.01		26	13	
AA3b	I1Y1 13+70 LT	1650 CSP					0.01		13	10	
AA4b	FLYLEREV 29+50	900 RCP				0.01	0.02		128	30	
AA5a	LPB 23+00	750 RCP					0.01		236		
AA5b	LPB 21+90	900 RCP	0.03			0.02	0.05		391	10	
AA6	FLYLEREV 27+40	600 RCP	0.03			0.01					
AA7	FLYLEREV 27+20	N/A	0.03			0.01					
AA8	FLYLEREV 26+20	450 RCP	0.05			0.02					
AA9	YREV 15+30	1050 RCP	0.01			0.01					
AA10a	FLYLWREV 23+20		0.01			0.01	0.06		30	20	
SHEET TOTALS:			0.17			0.11	0.16		824	93	

SITES INCLUDE SW FILL (POND)

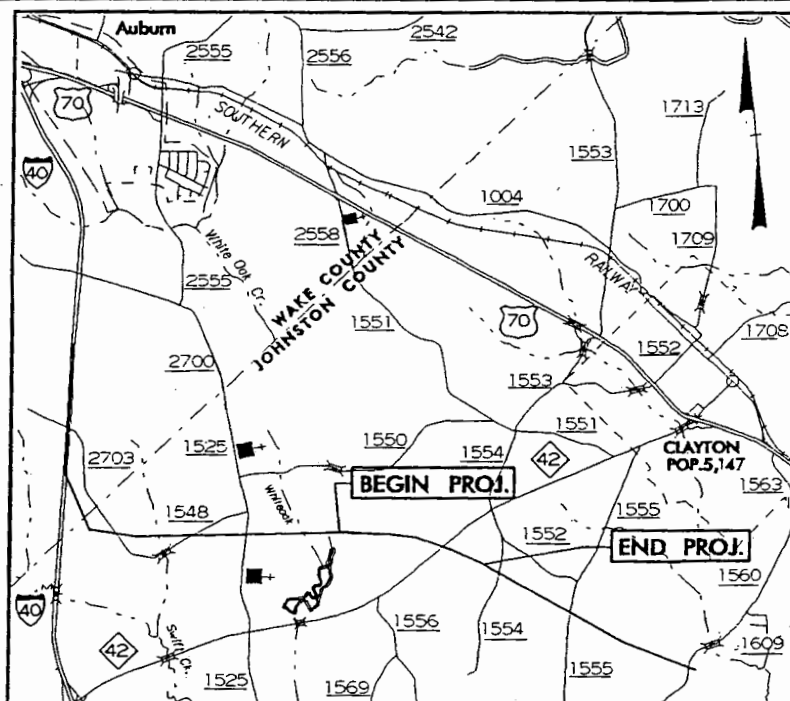
AA10a .06 ac

NC DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
WAKE / JOHNSTON COUNTY
PROJECT # - WBS 34459.1.1 (R2552AA)
US 70 - CLAYTON BYPASS

SHEET **3** OF **10**

10/15/04

A map of North Carolina showing its county boundaries. Wayne County, located in the central-eastern part of the state, is highlighted in solid black. The rest of the state is shown in white with black outlines for the county borders.



NCDOT
DIVISION OF HIGHWAYS
JOHNSTON COUNTY
PROJECT: WBS 34459.1.1 (R-2552AB)
US 70 CLAYTON BYPASS

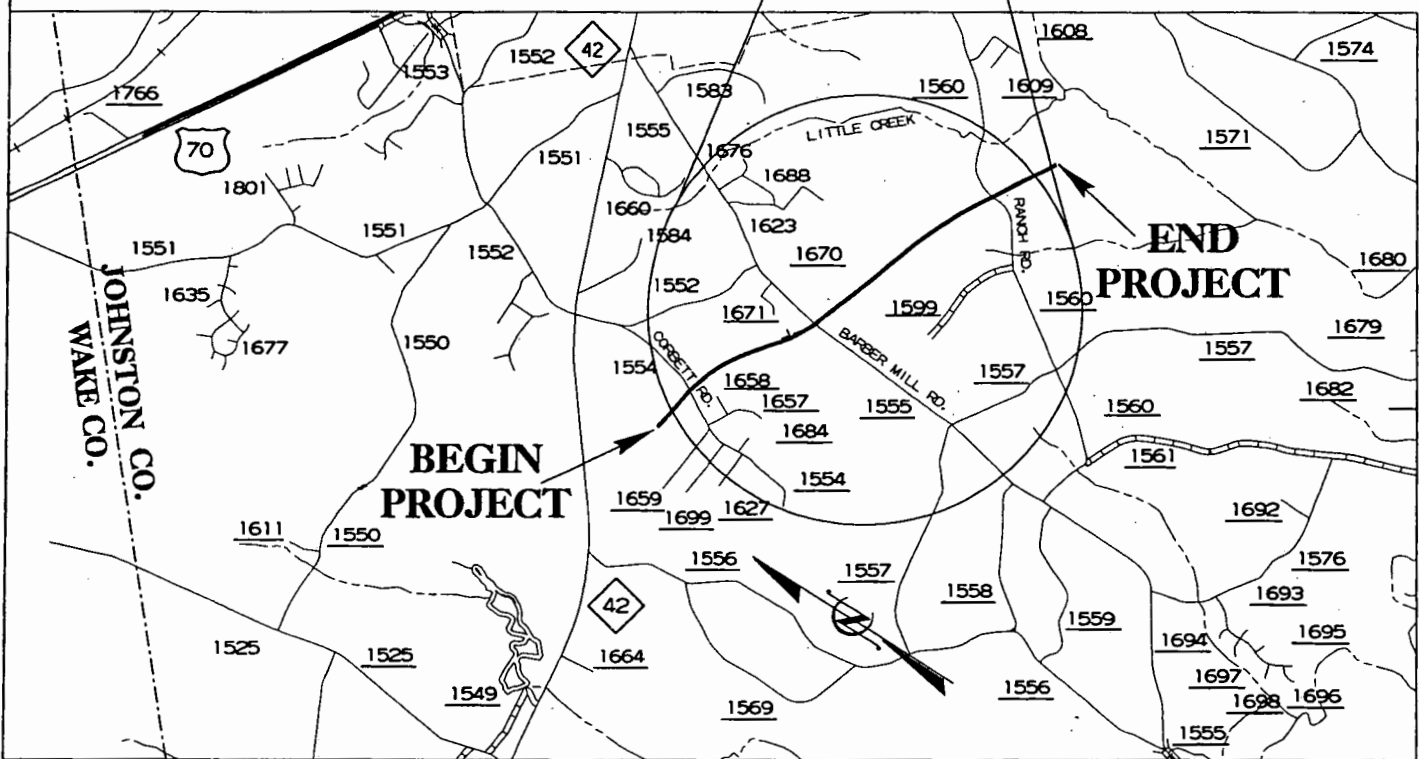
10 / 01 / 04

WETLAND PERMIT IMPACT SUMMARY										
Site No.	Station (From/To)	Structure Size / Type	WETLAND IMPACTS				SURFACE WATER IMPACTS			
			Fill In Wetlands Permanent (ac)	Fill In Wetlands Temporary (ac)	Excavation In Wetlands (ac)	Mechanized Clearing (Method II) (ac)	Fill In SW (Natural) Permanent (ac)	Fill In SW (Natural) Temporary (ac)	Existing Channel Impacted Permanent (ft)	Existing Channel Impacted Temporary (ft)
AB1	L 31+20	750 RCP	0.11			0.01				
AB2	L 37+10	RCBC						0.05	325	98
AB3	L 37+60	N/A	0.04			0.01				
AB4	L 41+00	BRIDGE								
AB5b	RPB 14+80	900 RCP	0.07			0.02			128	26
AB5c	L 50+70	1050 RCP	0.08			0.01	0.06		364	108
AB7		POND	0.03				0.12			
AB5d	RPC 12+50	1350 RCP					0.13		561	13
AB6a	RPB 12+90	900 RCP	0.01		0.01		0.02		102	10
AB6b	L 50+30	900 RCP					0.09		226	
AB8	RPD 13+00	1350 RCP	0.17			0.05	0.01		118	23
AB9	RPD 15+50	1050 RCP	0.09			0.01				
AB10	L 55+70	NONE	0.45			0.02				
AB11	L 57+30	RCBC	0.47			0.03	0.06		351	131
PROJECT TOTALS:			1.52		0.01	0.16	0.49	0.05	2175	409

NOTE : Hand Clearing in Wetlands SITE AB4 = 0.19 ac

NC DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
WAKE / JOHNSTON COUNTY
PROJECT # - WBS 34459.1.1 (R2552AB)
US 70 - CLAYTON BYPASS

A map of North Carolina showing its county boundaries. Johnston County, located in the central-eastern part of the state, is shaded in black. The map includes the state's coastline and major geographical features like the Pamlico River and the Tar River.



NCDOT
DIVISION OF HIGHWAYS
JOHNSTON COUNTY

**PROJECT: 8.T311002 (R-2552B)
US 70 CLAYTON BYPASS FROM
EAST OF NC 42 TO EAST OF
SR 1560 (RANCH ROAD)**

SHEET 6 OF 10 **9/23/2004**

WETLAND PERMIT IMPACT SUMMARY

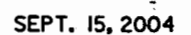
Site No.	Station (From/To)	Structure Size / Type	WETLAND IMPACTS			SURFACE WATER IMPACTS						
			Fill In Wetlands (ac)	Temp. Wetland Impacts (hand clearing) (ac)	Excavation In Wetlands (ac)	Mechanized Clearing (Method III) (ac)	Fill In SW (Natural) (ac)	Fill In SW (Pond) (ac)	Temp. SW Impacts (ac)	Existing Channel Impacted (ft)	Existing Channel Temporary Impacts (ft)	Natural Stream Design (ft)
1	-L- Sta 68+60	66 in RCP	0.160	0.000		0.045	0.043			191.3	105.0	
2	-L- Sta 73+30	54 in RCP	0.429	0.000		0.046	0.063			276.3	88.3	
3	-L- Sta 74+60 TO Sta 76+00	60 in RCP	1.203	0.000		0.081	0.071			474.8	62.3	
4	-L- Sta 78+80 TO Sta 81+80	42 in RCP	1.217	0.000		0.028	0.103			672.6	70.5	
5	-L- Sta 82+60 TO Sta 85+50	10' x 7' RCBC	1.899	0.000	0.175	0.117	0.245			721.5	73.2	410.1
6	-L- Sta 92+20	10' x 7' RCBC					0.103					
7	-RPA- Sta 4+00	48 in RCP					0.014			442.9	46.3	
8	-RPA- Sta 2+50	24 in RCP					0.000			89.2	74.2	
9	-L- Sta 102+30	48 in RCP					0.081			5.9	30.1	
10	-Y13-REV Sta 9+30	48 in RCP					0.024			354.3	114.5	
11	-Y11-REV Sta 23+20	POND							0.274	127.0	57.7	
12	-Y11-REV Sta 24+30 TO Sta 25+20	10' x 9' RCBC & 8' x 8' RCBC	0.117	0.000		0.000	0.065			388.1	166.0	

NCDOT

DIVISION OF HIGHWAYS
JOHNSTON COUNTY
PROJECT 8,T311002 (R-2552B)
US-70 CLAYTON BYPASS
EAST OF NC 42 TO
EAST OF SR 1560.(RANCH RD.)

SHEET 7 OF 10

10/14/04



WETLAND PERMIT IMPACT SUMMARY (English)

Site No.	Station (From/To)	Structure Size / Type	WETLAND IMPACTS				SURFACE WATER IMPACTS				
			Fill In Wetlands (ac)	Temp. Fill In Wetlands (ac)	Excavation In Wetlands (ac)	Mechanized Clearing (Method III) (ac)	Fill In SW (Natural) (ac)	Fill In SW (Pond) (ac)	Temp. Fill In SW (ac)	Existing Channel Impacted (ft)	Natural Stream Design (ft)
1	L2 108+50/111+00	DUAL BRIDGES	0.04	0.03		0.04			0.25	115	
2	L2 117+92/118+80	900 RCP				0.06		1.54			
3	L2 118+87/120+07	1050 RCP	2.26			0.11					
4	Y1 11+17 RT.	750 RCP					0.00		0.00	26	
5	L2 126+23	1500 RCP					0.03		0.01	282	
6	L2 133+86/134+59	DBL 2.7 x 1.8 RCBC & 1200 RCP & 3.7 x 2.4 RCBC	1.77		0.01	0.40	0.06		0.02	272	
7	L2 137+41/138+19	1200 RCP	1.18		0.36	0.13		0.06			
8	Rd. A 9+59/10+09	750 RCP	1.06								

N.C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS

JOHNSTON COUNTY
PROJECT 8.T311002 (R-2552C)
US-70 CLAYTON BYPASS
FROM EAST OF SR-1560
TO US-70 EAST OF CLAYTON

SHEET 9 OF 10 September 15, 2004

WETLAND PERMIT IMPACT SUMMARY (English)										
Site No.	Station (From/To)	Structure Size / Type	WETLAND IMPACTS			SURFACE WATER IMPACTS				
			Fill In Wetlands (ac)	Temp. Fill In Wetlands (ac)	Excavation In Wetlands (ac)	Mechanized Clearing (Method III) (ac)	Fill In SW (Natural) (ac)	Fill In SW (Pond) (ac)	Temp. Fill In SW (ac)	Existing Channel Impacted (ft)
9	Y5 20+00 LT	600 RCP	0.01			0.02			0.00	
10	Rp. C 8+00 RT	2.7 x 1.8 RCBC & 1800 RCP	0.02			0.04	0.02		0.00	52
11	Rp C 2+80/ 5+30	1200 RCP & 600 RCP	0.97		0.36	0.27				
12	Y4 25+12/ 28+57	1200 RCP				0.03	0.00		0.00	16
13	Rp. A 0+00/ 2+92	1050 RCP	0.97			0.22	0.01			30
14	L2 152+63/ 156+08	2.44 x 1.82 RCBC 1600 STEEL PIPE 900 RCP 600 RCP	0.12		0.02	0.21	0.01		0.01	33
15	Y6 10+71/ 12+50	750 RCP & 600 RCP	1.09		0.00	0.29				
16	Y6 13+95/ 14+90	DBL. 1500 RCP			0.01	0.05	0.01		0.01	52
PROJECT TOTALS:			9.49	0.03	0.76	1.87	0.14	1.60	0.30	878
										0

N.C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 JOHNSTON COUNTY
 PROJECT 8.T311002 (R-2552C)
 US-70 CLAYTON BYPASS
 FROM EAST OF SR-1560
 TO US-70 EAST OF CLAYTON
 SHEET 10 OF 10 September 15, 2004